

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MARY LAWSON,

Plaintiff,

Hon. Ellen S. Carmody

v.

Case No. 1:18-CV-837

JEREMY BROOKS, et al.,

Defendants.

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**OPINION**

This matter is before the Court on Defendants’ Motion for Summary Judgment. (ECF No. 27). Plaintiff, represented by counsel, initiated this action on July 30, 2018, against Jeremy Brooks and Todd Berguson Trucking, Inc. alleging negligence claims resulting from a motor vehicle accident. On April 23, 2019, Defendants filed the present motion seeking summary judgment. Plaintiff has failed to respond to the present motion. For the reasons discussed below, Defendants’ motion is **granted** and this action is **terminated**.

Failure by a plaintiff to respond to a motion for summary judgment constitutes a forfeiture of the claims to which the motion is addressed. *See, e.g., Notredan, L.L.C. v. Old Republic Exchange Facilitator Co.*, 531 Fed. Appx. 567, 569 (6th Cir., July 29, 2013) (failure to respond to an argument that a claim is subject to dismissal “amounts to a forfeiture of [such] claim”). Likewise, opposition to a motion for summary judgment is waived, and dismissal appropriate, where the plaintiff fails to respond thereto. *See Humphrey v. United States Attorney General’s Office*, 279 Fed. Appx. 328, 331 (6th Cir., May 15, 2008) (“if a plaintiff fails to respond or otherwise oppose a defendant’s motion, then the district court may deem the plaintiff to have

waived opposition to the motion”); *Allen v. NCL America LLC*, 741 Fed. Appx. 292, 295-96 (6th Cir., July 10, 2018) (by failing to respond to motion to dismiss, plaintiff waived opposition thereto); *Moody v. CitiMortgage, Inc.*, 32 F.Supp.3d 869, 875 (W.D. Mich. 2014) (“[a] plaintiff must oppose a defendant’s motion to dismiss or otherwise respond or he waives opposition to the motion”); *Thorn v. Medtronic Sofamor Danek, USA, Inc.*, 81 F.Supp.3d 619, 631 (W.D. Mich. 2015) (same).

Accordingly, Defendants’ Motion for Summary Judgment, (ECF No. 27), is **granted** and this action is **terminated**. An Order consistent with this Opinion will enter.

Date: June 18, 2019

/s/ Ellen S. Carmody  
ELLEN S. CARMODY  
United States Magistrate Judge